

BORA LASKIN LAW LIBRARY

3 1761 10084563 5

**ADVANCED CONSTITUTIONAL LAW:
FEDERALISM AND PUBLIC POLICY**

Volume II

Marsha Chandler

Katherine Swinton

1988-89

Toronto

Faculty of Law

University of Toronto

Prepared with the assistance of Shauna Van Praagh

UNIVERSITY OF TORONTO

**ADVANCED CONSTITUTIONAL LAW:
FEDERALISM AND PUBLIC POLICY**

Volume II

Marsha Chandler

Katherine Swinton

1988-89

Toronto

Faculty of Law

University of Toronto

Prepared with the assistance of Shauna Van Praagh



Digitized by the Internet Archive
in 2019 with funding from
University of Toronto

https://archive.org/details/advancedconstitu02chan_0

ADVANCED CONSTITUTIONAL LAW: FEDERALISM AND PUBLIC POLICY

Chapter 1 - Introduction

Page No.

a) Federalism and Public Policy

Smiley, The Federal Condition in Canada 1

Leslie, Federal state, national economy 5

b) The Role of the Courts

Russell, "The Supreme Court and Federal-Provincial Relations" 16

c) Executive Federalism

Smiley, Canada In Question:Federalism in the Eighties, 25

Dupré, "Reflections on the Workability of Executive Federalism" 47

Chapter 2 Social Policy

Boadway, "Federal-Provincial Transfers in Canada" 72

Winterhaven Stables Ltd. v. A.G.Can. 78

Banting, The Welfare State and Canadian Federalism 84

Dupré, "Section 106A and Federal-Provincial Fiscal Relations" 110

Chapter 3 - Regional Development and Equalization

Lithwick, "Federal Government Regional Economic Development Policies: An Evaluative Survey" 118

Savoie, Regional Economic Development: Canada's Search for Solutions 154

Chapter 4 - Natural Resources

Canadian Industrial Gas and Oil Ltd. v. Gov't of Sask. 177

Central Canada Potash Co. v. Gov't of Sask. 184

Reference re Proposed Federal Tax on Exported Natural Gas 191

Chandler, "Constitutional Change and Public Policy" 213

Chapter 5 - Financial Institutions

<u>Canada. The Regulation of Canadian Financial Institutions</u>	232
<u>Multiple Access Ltd. v. McCutcheon</u>	291
<u>Canadian Pioneer Management Ltd. v. Labour Relations Board of Saskatchewan</u>	293
<u>A.G. Can. v. Canadian National Transportation Ltd.</u>	312
<u>Schultz and Alexandroff, Economic Regulation and the Federal System</u>	335
<u>Statement of Federal-Ontario Agreement of May, 1987</u>	345
<u>Courchene, Economic Management and the Division of Powers</u>	347

Chapter 6 Communications

<u>Capital Cities Communications Inc. v. Canadian Radio-Television Commission</u>	357
<u>Re Public Service Board and A.G.Can.</u>	366
<u>Re CNCP Telecommunications and Alberta Government Telephones</u>	374
<u>Woodrow, Woodside, Wiseman, Black, Conflict over Communications Policy: A Study of Federal-Provincial Relations and Public Policy</u>	382
<u>Schultz and Alexandroff. Economic Regulation and the Federal System</u>	404

Chapter 7 - Free Trade

<u>Szablowski, "Treaty-Making Power in the Context of Canadian Politics"</u>	418
<u>Macdonald v. Vapor Canada</u>	420
<u>Quinn, "The International Legal Environment: An Overview"</u>	422
<u>Simeon, "Federalism and Free Trade"</u>	444
<u>Synopsis of the Canada - U.S. Trade Agreement (Canada)</u>	448
<u>Steger, "Analysis of the Dispute Settlement Provisions: A Canadian Perspective"</u>	494

Chapter 8 - Meech Lake

The Meech Lake Accord	501
Simeon, "Meech Lake and Visions of Canada"	506
Whyte, "The 1987 Constitutional Accord and Ethnic Accommodation"	516
Swinton, "Competing Visions of Constitutionalism: Of Federalism and Rights"	522

